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T-2-19-02

PATENT

Attorney Docket No: 01017/36263

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Liu *et al.*

Serial No.: 09/422,838

Filed: October 22, 1999

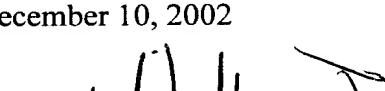
For: Thrombopoietic Compounds

Group Art Unit: 1631

Examiner: S. Zhou, Ph.D.

I hereby certify that this paper (or fee) and documents referred to as enclosed therewith are being deposited with the United States Postal Service on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231, on this date,

December 10, 2002


Joseph A. Williams, Jr.

Reg. No. 38,659

APPLICANTS' RESPONSE TO OFFICE COMMUNICATION OF 10/15/02

Commissioner for Patents
Washington, DC 20231

Sir:

This paper is being filed in response to the Office communication mailed October 15, 2002 in the above-referenced application. This response is timely filed with a petition and fee for a one month extension of time, extending the period for response until December 15, 2002.

REMARKS

The Office Communication stated that the applicants' Amendment and Response filed on March 28, 2002 (received on April 3, 2002; Paper #9) was non-responsive to the prior office action dated December 28, 2001, because the species elected does not belong to the elected Group I. A copy of the Office communication is enclosed for the convenience of the Examiner. The applicants respectfully request reconsideration of the application in view of the following remarks.

The applicants would like to first thank Examiner Zhou for the telephone interview on November 26, 2002 and for his clarification of the issue regarding the election of species in the Office Communication. During the interview the applicants realized that

the wrong sequence (SEQ ID NO: 33) was searched by the Patent Office due to an inadvertent error in original claim 24 in the application.

In response, the applicants would like to clarify that the species originally intended for election was SEQ ID NO: 34, but due to the aforementioned error in the numbering of sequence identification numbers in original claim 24, SEQ ID NO: 33 was unintentionally elected and searched. The applicants would like to point out, however, that these sequence identification numbers were correctly identified in the specification and sequence listing at the time of filing and that the obvious typographical error was found only in the claims. Upon realization of this error, claims 16 and 24 were amended to include the correct sequence identification numbers in an amendment filed on March 28, 2002. Consequently, the applicants respectfully submit that the sequence identification numbers in claim 24 are correct as amended and request that a new search be performed for SEQ ID NO: 34, which was intended in the original election.

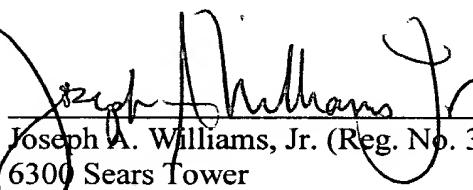
CONCLUSION

The Examiner is invited to contact the undersigned at the telephone number listed below if anything further is required or if there are any questions remaining.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN

By


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December 10, 2002